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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-sixth session

SUMMARY RECORD OF THE 675th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 11 January 2001, at 10 a.m.

Chairperson: Ms. MOKHUANE

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Second periodic report of Ethiopia

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Ethiopia (CRC/C/701/Add.7; written replies of the Government of Ethiopia to the questions of the Committee (document without a symbol distributed in the meeting room, in English only) list of issues (CRC/C/Q/ETH/2))

1. At the invitation of the Chairperson, Mr. Sodano, Mr. Tadesse, Ms. Gutta, Mr. Mihretu, Mr. Mengesha and Mr. Alemu (Ethiopia) took places at the Committee table.

2. Mr. SODANO (Ethiopia) said that his country was one of the poorest in the world as a result of protracted and costly civil wars, which had destroyed the country, and the action of past regimes, characterized by poor economic planning and centralized economic policies. It was further exacerbated by factors such as environmental degradation, rapid population increase, structural constraints and an unfavourable international economic environment.

3. The Government had taken steps to bring its legislation into line with the provisions of the Convention on the Rights of the Child and had established various mechanisms to apply them. It had, for instance, set up the National Rights of the Child Committee and rights of the child committees in regions, zones and woredas (districts), as well as in many kebeles (neighbourhoods). Presided over by the Minister of Labour and Social Affairs, the National Committee brought together representatives from various government organs and was responsible for coordinating the efforts made by the Government, the non-governmental organizations (NGOs) and others working for the rights of the child.

4. The strategy for the implementation of the Convention, as defined by the Government, had led to the adoption of several concrete measures. In collaboration with the concerned NGOs, surveys had been conducted of children in difficult circumstances and of harmful traditional practices. In view of the ethnic and linguistic diversity of the country, the Convention had been translated into 11 local languages; in that regard, the assistance given by the NGOs and by the United Nations Children's Fund (UNICEF) must be mentioned, particularly with respect to the printing and distribution of information materials. Over the past decade, extensive efforts had been made by the Ministry of Labour and Social Affairs, the NGOs and the mass media to make the principles of the Convention widely known, especially to young people. If, until recently, public discussions of issues such as female genital mutilation, early marriages and sexual abuse had been considered as taboo, more and more voices were being raised against such practices, even in the remotest parts of the country. Government organs and NGOs also combined their efforts in fighting child prostitution and child labour and took steps to rehabilitate the victims of such practices. Lastly, the federal parliament had enacted legislation for the establishment of the Human Rights Commission and the Office of the Ombudsman, organs that were empowered to receive complaints and review violations of the rights of the child.

5. In spite of those advances, some problems persisted in Ethiopia, such as the absence of institutional structures and appropriate implementation mechanisms, the lack of trained staff and the inadequacy of the financial and material resources needed for the development of sustainable programmes. The war with Eritrea had given rise to economic difficulties which impeded the

effective implementation of the Convention, but the Peace Agreement signed on 18 June 2000, should enable his Government to render the Convention on the Rights of the Child fully effective, in the near future.

6. Ms. OUEDRAOGO said she noted that the report of Ethiopia had been prepared in conformity with the Committee's guidelines. Action plans, studies and research described in the report evidenced the will of the Government to improve the implementation of the Convention. Nevertheless, it seemed that little progress had been made since the consideration of the initial report and that the recommendations made by the Committee following that consideration had not been fully taken into account. However, the objectivity of the report must be acknowledged, which, in its conclusion, referred to the weaknesses in the Convention's implementation, an indication that the Government wished to go forward.

7. The Government stated that it had established a five-year development programme to combat poverty, but she wondered whether it had made a preliminary assessment of that programme and its implications for children. She would also like the delegation to supply more precise information on the results of the various initiatives introduced to combat poverty within the framework of Jubilee 2000. In addition, she would be interested to know if the meeting of international organizations working in the country, recommended by the Committee, had taken place and, if so, what its outcome had been. In the list of issues to be taken up, the Committee had asked the Government to supply extra information on the content of the national plan of action for women and children, as well as the text of national policy regarding HIV/AIDS and its implementation. In reply, the Government had stated that it was unable to do so, due to lack of resources. That was regrettable because, if the action plan and policy had been implemented, the Government must have some useful information. She would like to know what steps had been taken to combat HIV/AIDS since 1998.

8. She welcomed the adoption by the legislative assembly, on July 2000 of texts establishing the Commission on Human Rights and Office of the Ombudsman. She wished to know how the State party proposed to publicize those institutions so that injured victims might have recourse to them. Did the institutions have services for children? If so, what were they? How did they work? What sort of assistance would be available for children? How were children made aware of such services? Lastly, she wished to know whether the National Steering Committee, mentioned in the report and which was supposed to be made up of representatives of several government institutions, United Nations organs and NGOs, had actually come into existence. Was there any coordination among the various human rights organs?

9. She asked if the new family code, being considered by parliament, contained a provision banning shotgun marriages and if the targets of the programmes for the protection of juvenile offenders, particularly children deprived of freedom, had been reached despite the financial difficulties experienced by the State party. The Ethiopian delegation could also clarify whether the new code took account of the concerns expressed by the Committee, whether the directive by the Ministry of Education banning corporal punishment in the schools was being applied and whether it was proposed that a law should be passed to ban parents from inflicting such punishment on their children

10. With regard to the information campaigns carried out to make known the rights of the child she would like to know whether the Government has assessed their impact in view of the fact that only a tiny proportion of the population possessed radio or television sets or had the means to buy a newspaper, not to mention the very high level of illiteracy. To overcome those obstacles, had it recourse to traditional methods of information transmission? Did teachers receive training on the rights of the child and was the Convention taught in the schools?

11. It would be interesting to know whether the State party intended to simplify the procedure for registering NGOs and whether steps had been taken to coordinate the activities of the various international organizations working in the country as well as those being carried out in the context of the national plan of action for women and children.

12. Ms. RILANTONO asked whether Ethiopia had attempted to circulate the Convention, in accordance with the recommendation by the Committee, since the consideration of its initial report and, if so, how it had been received by the public. Although Ethiopia had tried to bring its legislation into line with the Convention, it had also to ensure that the laws were enforced. There was a lot still to be done in that area: the birth registration law, for example, had been adopted more than 40 years previously, but had not yet produced any effect. What was Ethiopia doing to remedy the fact that culture and traditions were opposed to respect for the rights of the child and took precedence over civil and penal law? Had Ethiopia considered approaching the World Bank or other international financial institution to secure financing for its poverty elimination programme and remedy the lack of resources which hindered the implementation of the Convention despite the establishment of various coordination institutions and mechanisms for the purpose? Although child labour seemed an inescapable reality, Ethiopia could nevertheless speed up the process of ratifying ILO Convention No. 182 on the Worst Forms of Child Labour, so as to guarantee a minimum of protection

13. Mr. DOEK said he noted with satisfaction that the Ethiopian Government had made attempts to publicize the principles contained in the Convention, and encourage their implementation, but stressed the fact that awareness and dissemination activities should be accompanied by training programmes especially intended for people who had professional contact with children. The question of training had, incidentally, formed the subject of a recommendation by the Committee after its consideration of the previous report. He would like to know what steps Ethiopia had taken in that regard. As for data collection, it would be useful to know whether the numerous studies mentioned in the report had given rise to disaggregated data usable for statistical analysis. Lastly, the delegation should supply some more precise information on the new family law, especially with respect to the minimum age of marriage and the provisions in the case of rape.

14. Mr. FULCI inquired how many NGOs, dealing with human rights in general and children's rights in particular, had been registered in Ethiopia. In July 2000, the parliament had passed a law setting up a Human Rights Commission and an Office of the Ombudsman and it would be interesting to know when those two institutions were to become operational and if it was intended to establish a post of ombudsman for children. The Ethiopian delegation could also indicate what steps had been taken to fight the practice of marrying off very young girls, sometimes as young as nine, to much older men.

15. Mr. RABAH asked whether the authorities had tried to get tribal and religious leaders to join in the fight against customs that were contrary to the provisions of the Convention. What role was played by NGOs concerned about the rights of the child, and how were their activities coordinated? Lastly, he wondered whether the Ethiopian delegation could indicate whether the Government intended to increase the age of criminal responsibility, which was only nine years old.

16. Ms. KARP inquired whether the national plan of action for women and children was being gradually implemented throughout the country, particularly in remote areas and in the east of the country, where the situation of children was the worst. It would be interesting to know whether priority objectives had been fixed within the framework of the plan of action.

17. It would also be useful to know if information campaigns were organized to promote understanding, by parents, teachers and society in general, that children had rights and what that implied in terms of day-to-day life. Were tribal religious leaders involved in the information campaigns?

18. Ms. TIGERSTEDT-TÄHTELÄ invited the Ethiopian delegation to specify what were the role, mandate, means of financing and priorities of the various national and regional mechanisms designed to implement the Convention and mentioned in the written replies. She also wanted to know why the proportion of the State budget dedicated to health expenditure had fallen from 6 per cent in 1996/1997 to 5.3 per cent in 1998/1999 and what percentage of the budget was allocated to education. In that connection, it was regrettable that Ethiopia seemed to be neglecting social expenditure for the benefit of military expenditure.

The meeting was suspended at 11.10 a.m. and resumed at 11.30 a.m.

19. Mr. SODANO (Ethiopia) said that the National Plan of Action for Women and Children currently being implemented was to be evaluated and that the Committee would be informed of the results of that evaluation. The role and responsibilities of the government bodies in charge of carrying out the evaluation had been properly defined and a National Steering Committee was coordinating the various activities undertaken in that framework.

20. Military expenditure had absorbed a significant share of the State budget for the past three years because Ethiopia had been the victim of an aggression and had had to defend its territorial integrity. In fact, however, Ethiopia had but one real enemy, poverty, and it intended to do its utmost to alleviate it, as it had been doing before the conflict, when the economic growth rate had fluctuated between 6 and 7 per cent.

21. The allocations for education and health had been increasing for several years, to the direct benefit of children. Many primary schools had been built in the past decade and primary education would soon be free for all. The Government's health strategy was essentially preventive. Primary health centres and hospitals were being built and health professionals were receiving the necessary training. Soon all children would have access to drinking water, one of the Government's priority objectives. The federal State set aside large sums for the country's most underprivileged regions.

22. Ms. GUTTA (Ethiopia) said that, in cooperation with international organizations, the Government was implementing a variety of programmes to overcome poverty notably income-generating programmes for poor families so as to enable them to satisfy their children's needs. Activities in favour of children were regularly coordinated by all those concerned, namely, government institutions, religious and international organizations, particularly UNICEF and ILO, and the NGO Save the Children Alliance.

23. Training activities had been organized at all levels in cooperation with a number of organizations for people dealing with children who had been victims of sexual exploitation, ill-treatment, economic exploitation or were street children The Committee's observations and recommendations had been widely circulated and examined by all persons working with children. NGOs and religious organizations were actively cooperating with government bodies to implement the Convention. ILO Convention No. 182 on the Worst Forms of Child Labour was in the process of being ratified.

24. The Government had launched a plan of action aimed at reactivating the regional rights of the child committees; the results would be submitted in the next report. NGOs, whose registration was governed by new guidelines, and the social workers active in the field had training courses. Moreover, a statistical database would be set up shortly in the country.

25. The Ministry of Education was circulating the Convention throughout the education system, ensuring in particular that its principles were incorporated into the school curricula and that teachers received training in the rights of the child. The families, for their part, were kept informed through the children.

26. Mr. TADESSE (Ethiopia) stated that the establishment of a Human Rights Commission and of the post of Ombudsman in July 2000 had been preceded by a very lively discussion in which lawyers, members of civil society and international experts had participated. Two other posts were to be created: one of deputy commissioner for human rights and one of deputy ombudsman for children's rights. The Human Rights Commissioner and the Ombudsman, who had not yet been appointed, would also be responsible for ascertaining that government decisions were compatible with the existing legislation. The Ethiopian Government was endeavouring to make citizens aware of their constitutional rights, but the task was not an easy one because most of the population had access neither to newspapers nor to the radio. Any recommendation the Committee might make concerning ways of spreading knowledge of the Convention among the population would be welcome.

27. The new family law would be applied in the regions by family affairs courts. The law enshrined all the principles set forth in the Convention. In particular, the minimum age of consent for marriage had been raised to 18. Anyone knowing of a young girl who had married under the age of 18 would be authorized to ask for annulment. In parallel to the adoption of the legal measures, the Government was working to heighten the entire population's awareness of the harmful nature of early marriage. Criminal responsibility was still fixed at the age of nine. The general feeling of the population being that that age limit should be raised, the legislature could consider that possibility within the framework of the preparation of the new penal code. The existing penal code still had some provisions authorizing recourse to corporal punishment, but the Constitution expressly prohibited such punishment and the general public was also in

favour of its prohibition. The new penal code could contain provisions along those lines. Traditional customs and practices that were incompatible with the Constitution and the penal code were in principle prohibited.

28. The new family law provided for the registration of births, previously unknown in Ethiopia. Certain regions already had the necessary services. Failure to register births would undermine the application of many new provisions, in particular those concerning the minimum age for marriage.

29. Mr. MIHRETU (Ethiopia) emphasized that the Government had taken steps to improve the status of NGOs, which was governed by the Civil Code. The Committee would be provided with more detailed information at a later date on the NGOs working to protect the rights of children in Ethiopia.

30. Ms. OUEDRAOGO said she would like to have more details on the degree of independence of the Human Rights Commission and the Ombudsman that it was planned to institute. Noting that the report did not deal with general principles, whereas the Committee had expressed concern on that point after its consideration of the previous report, she asked what had been done to take better account of those principles, in particular respect for the opinion of the child.

31. The clause on non-discrimination contained in the Constitution did not explicitly mention discrimination based on a handicap, yet handicapped people were traditionally the victims of attitudes that needed to be corrected. Moreover, people of Eritrean origin had suffered numerous discriminatory acts since the war, such as deportation, and it would thus be useful to know what had been done specifically to protect children belonging to that population group. The federal system itself, inasmuch as it was based on ethnic groups, apparently seemed to be a source of discrimination in certain regions. The long-standing tradition of discrimination based on sex was also a source of concern. Had the impact of programmes carried out to improve the situation of women and girls been evaluated?

32. She would be interested to learn what problems the Ministry of Labour and Social Affairs had encountered in its activities to encourage child participation. Another encouraging initiative that should be renewed - or even institutionalized by establishing a parliament of children - had been the participation of children in a meeting with the authorities in June 1996. Had the declaration issued by the children on that occasion been fully publicized and had any follow-up been given to the recommendations made therein, in particular concerning the rehabilitation of families displaced by the war?

33. Mr. DOEK, recalling that illegal abortions carried out in poor conditions were one of the main causes of maternal mortality, asked what the State party was doing to protect the right to life of the women concerned. The Constitution did, it was true, unambiguously prohibit sexual discrimination, but other pieces of legislation appeared to be less categorical. Thus, certain social practices hampering the prosecution of rapists apparently still continued and domestic violence was apparently not regarded as grounds for divorce. It would be interesting to know whether the new provisions of family law reflected a more egalitarian concept of women. Girls

continued moreover to be the victims of genital mutilation; the public awareness programmes on that topic did not seem to have produced results and, consequently, the delegation might wish to indicate whether the Government intended to resort to other methods.

34. Certain organizations fighting torture had denounced a provision according to which the police could very easily arrest street children, exposing them to the risk of various kinds of violence. What had been done to prevent prolonged periods of police detention?

35. With regard to the protection of the family, it had to be acknowledged that the flight from the land had weakened the role of the extended family, yet the Civil Code was still based on that role. That made the Code inapplicable in practice and gave rise to problems when children were abandoned or their parents died. What specific steps was the State taking to guarantee replacement protection in such cases? Lastly, what was the State party's policy with regard to family reunification? It should be pointed out, in that connection, that the question on the list of issues concerning the rights of displaced and refugee children had not been answered.

36. Ms. KARP expressed satisfaction at the introduction into the Constitution of a provision prohibiting corporal punishment in schools, but regretted that the provision did not cover domestic violence also. She wondered whether the decision to exclude domestic violence from its field of application had been taken following discussions or whether it had been an oversight. In any case, how was protection of children inside the home guaranteed, in accordance with article 19 of the Convention? The Penal Code still had some provisions that were contrary to the Constitution in that regard and the legislature had imperatively to eliminate them to send a clear message to the general public. What practical steps had been taken to implement the prohibition of corporal punishment in the schools? Through what channels could the victims complain? Were the procedures penal or disciplinary and were they rapid? Were statistics available on the number of complaints lodged?

37. Shotgun marriage was another widespread practice of particular concern, and there too the legislative message was not clear. For example, the provision according to which rape was not an offence if the rapist married the victim, far from protecting the latter, encouraged abductions with a view to marriage. Had consideration of the victims' point of view been a subject of discussion in the State party and were there plans to abolish that provision? Why had the proposal to legalize abortion in cases of pregnancy resulting from rape or incest not been accepted and would it be resubmitted to parliament? By the same token, why was incest not a criminal offence in spite of its extreme seriousness?

38. Legislation on the protection of victims of abuse was also inadequate in that there was still no protection provided for the complainant during the police inquiry or the hearing of witnesses in court. Lastly, had any centres been established to provide young people, with due respect for their private lives, with family planning information?

39. Mr. FULCI asked whether it was true that no machinery had been put in place to implement the 1994 law against discrimination in respect of handicapped people and that nothing had been done to facilitate their access to buildings. Furthermore, he wondered whether the delegation could indicate whether the number of handicapped people, estimated at 1 million

in 1994, had substantially increased as a result of the armed conflict and explain what practical steps had been taken to promote their access to the working world and to promote the social integration of handicapped children.

40. Ms. TIGERSTEDT-TÄHTELÄ, recalling that during consideration of the previous report the Committee had recommended that Ethiopia make a greater effort to ensure that children participated at all levels and that their opinions were respected, said she would like the delegation to say whether children were generally considered to have the right to express themselves within the family or at school. Did children have the right to set up their own NGOs and, if so, were they supported in that endeavour by the Government?

41. Ms. RILANTONO said she, too, would like to know whether children's freedom of expression was or was not part of Ethiopian culture. She would also like to have more information on the kinds of infrastructure that had benefited from increased budget allocations. Lastly, being seriously concerned at information from external sources according to which domestic violence and marital rape were relatively widespread, she asked what remedies and structures were available to the female victims of such acts and to what extent they could prosecute the guilty parties.

The meeting rose at 1 p.m.